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J1003 U.S. PTO

PATENT
ATTORNEY DOCKET NO.: 046124-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

JCS78 U.S. PTO
09/602772
T0/PT/40

PRIOR APPLICATION: Examiner: Carlson, K.
Group Art Unit: 1653

**DIVISIONAL PATENT APPLICATION TRANSMITTAL
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a [] Continuation [X] Divisional [] Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 08/878,177, filed on June 18, 1997 of:

Inventor(s): Masahiro IWAMOTO, et al.

For: **CELL CALCIFICATION SUPPRESSING
PROTEINS, AND GENES OF THE PROTEINS**

2. The papers enclosed are as follows:

<u>39</u>	Page(s) of specification including
<u>0</u>	Title Page
<u>4</u>	Page(s) of claims
<u>1</u>	Page of abstract
<u>12</u>	Sheet(s) of drawings containing <u>11</u> Figures

3. Amendments

For continuation and divisional applications:

[X] Cancel in this application original claims 2-4 and 6-19 in the enclosed copy of prior application before calculating the filing fee.

- ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

For continuation or divisional applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:

"This is a ☐ continuation ☒ divisional ☐ continuation-in-part of copending application(s)

☒ Application No. 08/878,177, filed on June 18, 1997."

☐ International Application No. _____ filed on _____ and which designated the U.S."

6. Assignment

For continuation or divisional applications:

☐ The prior application is assigned of record to _____ recorded _____ at Reel/Frame _____.

- ☒ A recordation form with an assignment to Chugai Seiyaku Kabushiki Kaisha was submitted to the PTO in the prior application, Application Serial No. 08/878,177,

on July 12, 2001. A copy of the recordation form and the assignment is attached herewith.

- [] An assignment of the invention to _____ and
PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

For continuation-in-part applications:

- [] An assignment of the invention to _____ and a
PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$710.00 Design \$320.00
Total Claims (37 C.F.R. § 1.16(c))	2	0	\$ 18.00 each =	+ \$ 0.00
Independent Claims (37 C.F.R. § 1.16(b))	2	0	\$ 80.00 each =	+ \$0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$260.00	+ \$
SUB-TOTAL =				\$710.00
Reduction by ½ for filing by a small entity				- \$
TOTAL FILING FEE =				\$710.00

8. Fee Payment

☐ **Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ Enclosed.

A check(s) in the amount of \$710.00 to cover the filing fee is enclosed.

☐ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this time and no authorization is given to charge our deposit account for this fee.

9. ☒ The current power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 009629

10. ☐ Recognize as associate attorney _____.
(name, address, and registration no.)

11. ☒ **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 08/878,177, filed June 18, 1997, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

12. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit

any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

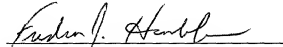
13. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☒ **Preliminary Amendment**
- ☒ **Recordation and Assignment submitted in Patent Application No. 08/878,177**

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Frederick J. Hamble

Reg. No. 42,623

Dated: July 12, 2001

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